Case 5:09-cr-00560-RMW Document 39 Filed 04/01/10 Page 1 of 3 1 JOSEPH P. RUSSONIELLO (CASBN 44332) 2 United States Attorney 3 BRIAN J. STRETCH (CASBN 163973) Chief, Criminal Division 4 DAVID M. PAXTON (CASBN 266940) Special Assistant United States Attorney 5 6 150 South Almaden Boulevard, Suite 900 San Jose, California 95113 *E-FILED - 4/1/10* 7 Telephone: (408) 535-5040 Facsimile: (408) 535-5081 8 david.paxton@usdoj.gov 9 Attorneys for the United States 10 11 IN THE UNITED STATES DISTRICT COURT 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA 13 SAN JOSE DIVISION 14 15 16 UNITED STATES OF AMERICA, No. CR 09-00560-RMW 17 Plaintiff, STIPULATION TO CONTINUE **SENTENCING HEARING;** [] 18 ORDER v. 19 JOSE LUIS CAMARENA-RODRIGUEZ, 20 Defendant. 21 Defendant and the government, through their respective counsel, hereby stipulate that, 22 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for 23 Monday, April 5, 2010 at 9:00 a.m., be continued to Monday, April 19, 2010, at 9:00 a.m. The 24 continuance is requested to complete a sentencing recommendation. 25 The parties further agree that time should be excluded under the Speedy Trial Act because 26 STIPULATION TO CONTINUE HEARING DATE; [] ORDER No. CR 09-00560-RMW 1

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1	the ends of justice served by granting the requested continuance outweigh the interest of the	
2	public and the defendant in a speedy trial. The failure to grant the requested continuance would	
3	deny defense counsel reasonable time necessary for effective preparation, taking into account the	
4	exercise of due diligence, and would result in a miscarriage of justice. The parties therefore	
5	stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and	
6	(B)(iv).	
7	D-4-1, 4/1/2010	1-1
8	Dated: 4/1/2010	/s/ MICHELLE D. SPENCER
9		Defense Attorney
10	Dated: 4/1/2010	/s/
11		DAVID M. PAXTON Assistant United States Attorney
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	STIPULATION TO CONTINUE HEARING DATE: [XXXXXXXX] ORDER	

HEARING DATE; [XXXXXXXX] ORDER No. CR 09-00560-RMW

1 XXXXXXXXXX ORDER 2 The parties have jointly requested a continuance of the hearing set for Monday, April 5, 3 2010, allow time for the government to make a sentencing recommendation. 4 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date 5 presently set for Monday, April 5, 2010 at 9:00 a.m., be continued to Monday, April 19, 2010, at 6 9:00 a.m. 7 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from March 29, 2010 to Monday, April X 2010. The Court finds, 8 9 based on the aforementioned reasons, that the ends of justice served by granting the requested 10 continuance outweigh the interest of the public and the defendant in a speedy trial. The failure 11 to grant the requested continuance would deny defense counsel reasonable time necessary for 12 effective preparation, taking into account the exercise of due diligence, and would result in a 13 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made 14 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv). sald M. Whyte 15 Dated: 4/1/10 16 17 United States District Judge 18 19 20 21 22 23 24 25 26